

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**MARCUS LOCKHART**

**PLAINTIFF**

**V.**

**CASE NO. 3:19-CV-18-KGB-BD**

**K. BOWERS**

**DEFENDANT**

**RECOMMENDED DISPOSITION**

**I. Procedure for Filing Objections**

This Recommended Disposition (“Recommendation”) has been sent to Judge Kristine G. Baker. Mr. Lockhart may file written objections to this Recommendation if he wishes. Objections should be specific and should include the factual or legal basis for the objection. To be considered, objections must be received in the office of the Court Clerk within 14 days of this Recommendation.

If no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record. By not objecting, Mr. Lockhart may waive the right to appeal questions of fact.

**II. Discussion**

Marcus Lockhart filed this federal civil rights lawsuit without the help of a lawyer under 42 U.S.C. § 1983. (Docket entry #1) Because of Mr. Lockhart’s litigation history, he is not eligible for *in forma pauperis* status absent allegations of imminent danger of serious bodily injury.<sup>1</sup> Mr. Lockhart did not plead facts indicating that he faces imminent

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<sup>1</sup> The following dismissals constitute “strikes” against Mr. Lockhart for purposes of determining eligibility for IFP status: *Lockhart v. Harvey, et al.*, 3:10cv23-SWW;

danger of serious physical injury; thus, the Court ordered him to pay the statutory filing fee within 30 days of January 29, 2019, if he wished to pursue his claims. (#2)

To date, Mr. Lockhart has failed to comply with the Court's January 29, 2019 Order, and the time for doing so has passed. The Court specifically cautioned Mr. Lockhart that his claims would be dismissed if he failed to address the filing fee requirement. (#2)

### **III. Conclusion**

The Court recommends that Mr. Lockhart's claims be DISMISSED, without prejudice, based on his failure to comply with this Court's January 29, 2019 Order and his failure to prosecute this lawsuit.

DATED this 1st day of March, 2019.



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UNITED STATES MAGISTRATE JUDGE